

History of the Illinois DUI Laws
Division of Traffic Safety
Illinois Department of Transportation
Amended August 25, 2003

In 1935, Illinois law made driving while under the influence of intoxicating liquor or narcotic drugs illegal. The law stated the Secretary of State shall revoke the chauffeur's license of anyone found guilty of DUI (driving under the influence of alcohol).

- *The Secretary of State had the authority to issue chauffeur's licenses in 1919 but did not have the authority to revoke licenses.*

In 1937, the court was given the authority to revoke the license.

The 1938 law added the authority for the Secretary of State to revoke licenses to the "Motor Vehicle Law".

- *An operator's license was revoked for not less than 30 days nor more than one year.*

In 1949, penalties for a DUI first offender included imprisonment of not less than 10 days nor more than one year and/or a fine of not less than \$100 nor more than \$1,000.

In 1953, the first offender's minimum term of imprisonment was reduced from 10 days to 2 days.

During 1958, the minimum blood alcohol concentration was established at .15.

- *Chemical analysis of breath, blood, urine and saliva or other bodily functions was admissible as evidence.*

In 1961, a second offender was defined as a second arrest within five years.

The 1967 law stated that anyone who was driving or in physical control of a vehicle and was intoxicated was punishable under law. (Prior law referred to those who were driving the vehicle only.)

The 1967 law was changed to driving while under the influence of intoxicating liquor, narcotic drugs or other drugs for a DWI (driving while intoxicated) charge.

- *Legal blood alcohol concentration was set at .10.*

In 1970, the driving while intoxicated law was codified in the Illinois Vehicle Code, Chapter 95½, Article V, Section 11-501, as part of a general codification.

In 1971, the implied consent provision was passed, effective 07-01-72. However, the bill's effective date was delayed to 10-01-72 because proper equipment was not available.

- *Any person driving a motor vehicle thereby consented to take and complete a chemical analysis of a breath sample to determine blood alcohol concentration when arrested.*
- *Two tests were required not less than 15 minutes apart.*
- *Driver had 90 minutes to decide. All tests had to be completed in 150 minutes. If the driver refused or failed to complete either test within 90 minutes, the driver's license was suspended for 3 months for the first offender and 6 months for the second offense within 5 years unless the court rescinded the suspension.*
- *A 650 word warning had to be read to the driver.*
- *A refusal could not be used in court.*

This implied consent law, in tandem with the sympathetic attitude of the judges and prosecutors which prevailed, left virtually no threat to the would-be drunk driver.

- *Only about 14 percent of the cases that went to the judicial hearing were sustained.*
- *The criminal charge was little more than ceremonial. Most were diverted from the system. In fact, during the ten years following implementation of this law, convictions for DUI decreased some 40 percent while the number of Illinois drivers increased nearly one million.*

The standard Illinois diversion was, and remains, court supervision. However, until 1975, it was just a delay in sentencing. After 1975, dispositions were required to be made on the initial appearance.

- *Arrested person must have either plead guilty, stipulated to the facts, or was found guilty of the charge to be granted supervision.*
- *A "conviction" had to be sent to the Secretary of State before revocation of driving privileges could be entered.*
- *No conviction was entered if the person complied with the terms of the court supervision. There was little or no monitoring. Virtually all escaped conviction.*
- *Actually delayed entry of conviction for a period (usually one year).*
- *While supervision orders usually required participation in a remedial or educational program, this meant little. There were no standards for such programs. Some were an hour or two only.*
- *There was no required professional evaluation of the person's use or abuse patterns. A common program was thought to be good for anyone from social drinker to chemically dependent.*
- *Supervision also served to let the same person off the hook time and time again. Because there was no conviction and no report of the supervision disposition sent to the central driver's license record, a person was always considered a first offender and received sympathy.*
- *Illinois law was similar to the Uniform Vehicle Code regarding revocation. The period was indefinite, but the driver could apply after one year.*
- *Illinois law charged the Secretary of State with not restoring driving privileges after revocation until he was satisfied granting the driving privilege would not endanger public safety or welfare. This was the foundation we had to build upon.*

In 1981, Illinois had a driving under the influence law that provided for a Class A misdemeanor on conviction and revocation of driving privileges. It was the Secretary of State's opinion guilty drinking drivers should lose driving privileges. The current law did not provide an adequate threat/deterrent to the would-be drunk driver. It was obvious persons were paying high fines and attorney fees without much complaint as long as their driving privileges remained intact.

The Secretary of State's first legislative successes were in 1981 and became effective January 1, 1982. As a result, Illinois:

- *Enacted a new DUI/IMPLIED consent law.*
- *Deleted the 1½ hour for the driver to decide.*
- *Went only to 1 test. Allowed officer to determine type of test or tests to be administered (breath, blood, urine).*
- *Doubled the penalty for refusal to 6-month driver's license suspension/12-months for repeat offense.*
- *Allowed the officer to require blood/urine tests, if necessary.*
- *Established an illegal per se charge for driving with an alcohol concentration of .10 or greater.*
- *Required reporting to the Secretary of State for entry to the driving record the fact a person was referred to a remedial program (this had to be strengthened in 1984).*

Also changed in 1982 was the language for a DUI charge. It became driving while under the influence of alcohol, other drug, or combination thereof.

- *The policies of the Secretary of State's office were toughened in dealing with convicted drunk drivers.*
- *No persons could get privileges restored either fully or a Restricted Driving Permit (for work) until they submitted to a professional evaluation and participated in the remedial education or rehabilitative program indicated.*
- *In cooperation with the Department of Mental Health and Developmental Disabilities, standards were established for professional evaluations and remedial programs.*
- *While the office had no statutory authority to enforce program standards, only those programs that followed the established standards were included in the referral manual.*

The Secretary of State systematically pursued additional legislation during each session of the General Assembly to raise penalties especially for multiple offenders, to provide victim rights and to generally enhance the program.

In 1984, the following provisions were enacted:

- *Courts were required to report the awarding of court supervision for DUI, leaving the scene of an accident involving personal injury or fatal crash, driving while suspended or revoked and reckless driving to the Secretary of State's office for entry to the central driver record. The information could be released for court purposes only.*
- *A provision was added disallowing the granting of court supervision within five (5) years following the granting of a previous supervision or a conviction for DUI.*
- *Legislation was enacted to distinguish between the driver and the passenger convicted for illegal transportation of alcoholic beverages.*
- *Repeat DUI offenders (2 or more convictions within 5 years) are required to serve mandatory 48 consecutive hours imprisonment or 10 days community service.*
- *Those convicted of driving while suspended or revoked when the original cause of the revocation was DUI, leaving the scene of a personal injury or fatal crash, or reckless homicide faced a mandatory 7 days imprisonment or 30 days community service.*

By 1985, the program had steadily advanced.

- *Illinois State Police arrests increased 124 percent from 1981 (10,958).*
- *DUI convictions increased 129 percent from 1981 (4253 to 9716).*
- *Most importantly, fatalities had decreased 18 percent from 1981 (1850 to 1522).*

However, due to the continued use of court supervision, by 1985, convictions were representing only about 32 percent of the DUI dispositions received at year end. Also, it was taking the courts an average of 6 months to make such a finding and report it to the Secretary of State's office.

- *While we were suspending privileges for more implied consent refusals (about 75 percent of those refusing or about 25 percent of the number of arrests we could identify), it was also taking about 6 months for the refusal to be reported.*
- *SOS estimated only about 10 percent of first offender DUI's were receiving a driver's license sanction.*
- *Studies had shown the best deterrent to DUI was loss of driving privileges. However, loss of license must be swift and certain.*
- *SOS had neither a swift nor certain driver's license withdrawal in response to DUI.*

In 1985, the Secretary of State's office proposed an administrative per se immediate driver's license suspension program.

- *Based the approach on the concept used by Minnesota and 20 other states.*
- *Provided for driver's license suspension for either refusing or failing testing (over .10).*
- *Provided for suspension at the end of 15 days.*
- *Provided for an administrative hearing process by the Secretary of State for appeals.*
- *Resistance was met from the Chicago Bar Association which countered with a proposal which would set Illinois back years: judges were allowed to determine if suspensions should take place; no real hard time frames were established.*
- *It became apparent neither the Chicago Bar Association, which has one of the more effective lobbying efforts, nor the Secretary of State's office could pass the proposals intact. Obviously, it was time to compromise.*

The concept which was enacted was labeled the statutory summary suspension program. The following summarizes the program:

- *Following arrest for DUI, the officer requests chemical testing.*
- *The violator is warned that if he/she fails the test there is a 3-month driver's license suspension. If he/she refuses to submit, there is a 6-month driver's*

license suspension. If the person is a second offender, it is a 12-month suspension in either case.

- *The officer takes the driver's license (if valid) and issues a receipt which allows the driver to drive for 45 days.*
- *The officer's agency sends a copy of his sworn report indicating the notice of suspension was served on the driver to the Secretary of State and the court.*
- *The Secretary of State's office enters a suspension effective 45 days from the notice given by the officer (usually the same date as arrest -- may be later if a blood test is involved).*
- *The driver may request a judicial hearing to appeal the suspension. However, the appeal does not stay or delay the effective date of the suspension. During the hearing, specific issues are considered:*

Whether the officer had probable cause for arrest.

Whether the arrest was made.

Whether the violator was warned.

Whether the violator did refuse/fail.

- *The first offender may request a Judicial Driving Permit (JDP) from the court which is limited to time and purpose.*

Cannot be issued until after 30 days of hard suspension.

For work or obtaining medical care or alcohol treatment.

Judge must require a professional evaluation.

Actually issued by the Secretary of State following receipt of a court order.

- *The second or subsequent offender may apply for a Restricted Driving Permit (RDP) from the Secretary of State. It cannot be issued until at least 90 days hard suspension.*

- *The summary suspension follows a "separate track" from the criminal charge. In addition to other criminal penalties, there is also a driver's license revocation upon conviction. Time served on the statutory summary suspension is credited to the minimum period of revocation.*

Victim rights legislation was developed and passed to increase the rights of those individuals impacted by DUI crashes. For all causes of action involving persons injured, killed or incurring property damage after September 12, 1985, in no event shall the judgment or recovery for injury to the person or property of any person exceed \$30,000 for each person incurring damages and recovery under this Act for loss of means of support resulting from the death or injury of any person shall not exceed \$40,000.

During 1986, nearly 47,000 Illinois drivers lost driving privileges as a result of DUI. This is nearly four times the number in 1985.

- *Also, for the first time, there was a record of virtually all DUI arrests due to the receipt of the officer's sworn report in response to refusal or failure of chemical tests (there may have been an additional 5 percent who submitted to testing and had an alcohol concentration of less than .10).*
- *Some persons thought the courts might undermine the statutory summary suspension by either wholesale rescinding suspensions at hearings or the wholesale issuance of JDP's. This did not happen.*

During 1986:

- *Only about 8 percent of the statutory summary suspensions were rescinded at the judicial hearing.*
- *About 28 percent of those first offenders qualifying were issued JDP's.*
- *Judges were reluctant to issue JDP's when they had to sign orders authorizing the driver back on the highway.*

It was also feared the courts might be even more liberal with supervision on the criminal charge considering the driver was already receiving the statutory summary suspension. This was not the case.

- *During 1986, convictions represented 32 percent of DUI dispositions, the same as in 1985 prior to statutory summary suspension.*

Other 1986 legislation:

- *Underage DUI offender faced a minimum 2 years driver's license revocation for first conviction. No driving privileges (restricted driving permit) were available for the first year.*
- *Second conviction resulted in a minimum license revocation of 2 years or until age 21, whichever was longer.*
- *Color coded driver's licenses and ID cards for those under age 21 with a red photo background and the words "Under 21" plainly printed on both sides of the license.*
- *Penalty for providing alcohol to a person under 21 increased from a Class B misdemeanor to a Class A misdemeanor.*
- *It was a Class B misdemeanor punishable with a \$500 fine to knowingly allow gatherings of two or more persons at a residence when the persons were under 18 and were drinking.*
- *It was a Class A misdemeanor to knowingly allow another person to operate a vehicle under the influence.*
- *Hotels/Motels were subject to a Class C misdemeanor if they knowingly rented a room to persons under age 21 and alcoholic beverages were consumed.*
- *Any person 21 or over who paid for a hotel room or facility knowing the room would be used by any person under 21 for the consumption of alcoholic beverages was liable for any damage to property or person caused by the person under 21. It was also a Class C misdemeanor.*
- *The penalties for those individuals who tried to obtain or assist others in obtaining a falsified driver's license were increased from a 6-month to a 12-month suspension. In addition to the suspension, offenders were also subject to criminal misdemeanor charges, with a fine up to \$500 or up to 30 days in jail.*

1987 statistics showed the deterrent effect of the statutory summary suspension was working.

- *Arrests for DUI decreased 6 percent comparing 1987 to 1986.*
- *Arrests for 1988 dropped 6 percent compared to the same period in 1987.*

- *The social drinker does not feel it is worth the risk to drink and drive.*
- *The loss of driving privileges is swift and certain.*
- *Police reported there were fewer drunk drivers.*
- *Arrests for teens (19 and under) decreased 18 percent.*
- *Judges continued to support the summary suspension concept.*

89 percent of DUI offenders lost their driving privileges.

Only 32 percent of suspended first offenders received a JDP.

Almost 43,000 alcohol-related suspensions and revocations went into effect - over three times greater than those imposed in 1985 before the summary suspension law.

The statutory summary suspension law has allowed Illinois to develop a profile of the drunk driver.

- *Average BAC level is .18.*
- *Average age is 32.6.*
- *82 percent male; 18 percent female in 1987. The percentage of females is increasing.*

The Secretary of State's office has been able to predict some trends (a result of better record keeping on individual drivers).

- *The average BAC should increase as fewer social drinkers take the chance of drinking and driving and more problem drinkers are being arrested.*
- *The number of multiple offenders is increasing.*
- *Fewer social drinkers arrested.*

SOS had their share of court challenges. In addition to numerous lower court cases, six cases were decided by the Illinois Supreme Court. All six were decided in favor of the summary suspension program.

In summary, the statutory summary suspension law has been a successful tool for removing the DUI offender from the road in Illinois. The two track system has ensured almost all DUI offenders suffer a license sanction in a swift and certain manner providing the deterrent necessary to convince the would-be drunk driver it is not worth it.

Laws effective January 1, 1988:

- *Drivers who receive a second conviction within a 20-year period for DUI, reckless homicide, leaving the scene of personal injury or fatal crash or any combination of the three face a minimum 3 year revocation of their driving privileges.*
- *Drivers convicted 3 or more times for any combination of the above offenses face a minimum 6-year revocation.*
- *Three convictions for DUI are a Class 4 felony which is punishable by 1 to 3 years imprisonment and a fine up to \$10,000.*
- *Identification card manufacturers are prohibited from copying certain design features of the Illinois driver's license. It is illegal to copy the size, color or placement of the photograph on an official license. The words "official", "state", "Illinois", or a copy of the map of Illinois may not appear on any type of identification card. Violation of these provisions is a Class A misdemeanor.*

Effective August 31, 1989, a law was enacted to prohibit liquor licensees from offering or advertising free drinks and certain other conduct. A violation is a Class B misdemeanor and grounds for suspension or revocation of the liquor license.

Effective September 7, 1989, a law was enacted which provides an addict or alcoholic (if the court has reason to believe this to be an accurate assessment of the individual) convicted of driving under the influence or other specified offenses may not elect treatment as a condition of probation under a department designated program. In addition, it provides no person shall be placed under the supervision of a department designated program before a judgment of conviction is entered.

Effective September 21, 1989, the Unified Code of Corrections and the IVC were amended. Public Act 86-0929 (Senate Bill 0743) provided for the following:

- *Extends probation period of conditional discharge for misdemeanor offenses from 1 year to 2 years.*

- *Established measurement of "last 5 years" for purposes of determining DUI second offenders.*
- *An RDP may be granted by SOS to persons who have their driving privileges suspended or revoked to allow for attendance at an educational institution.*
- *A JDP may be issued to persons who have their driving privileges suspended under the implied consent provision to allow for attendance at an educational institution.*
- *Extends the statutory summary suspension period to 2 years for persons other than first offenders who refuse or fail to complete a test or tests to determine the alcohol or drug concentration.*
- *Provides that reports received by SOS regarding statutory summary suspensions for first offenders are privileged except during the term of the statutory summary suspension if the person is not convicted and such information can only be released to courts, police officers, prosecuting officials or the Secretary of State.*

During the first half of the eighty-sixth General Assembly, five other bills were enacted into law with an effective date of January 1, 1990.

- *To further strengthen underage DUI laws, the courts may, as a condition of probation or conditional discharge, restrict the driving privileges of a minor adjudicated delinquent for any alcohol, controlled substance or cannabis violation.*
- *The penalty for reckless driving was changed from a Class B misdemeanor to a Class A misdemeanor. This law also amended the Unified Code of Corrections to require a person, whose driving under the influence causes emergency services to be rendered, to make restitution for the costs of the services not to exceed \$500,000.*
- *Law was enacted to prohibit the operation of any water craft for a period of six hours after the arrest for operating a water craft under the influence of alcohol and/or drugs.*
- *Law was enacted to clarify the language which allows the Secretary of State to suspend or revoke the driver's license or permit of a person who has been*

convicted of possession of cannabis or any controlled substance while operating a motor vehicle.

- *Exempts a passenger in a limousine from the prohibition regarding transportation or possession of alcoholic liquor in a motor vehicle.*

Effective July 1, 1990, a law was enacted which provides for a 3-month statutory summary suspension regardless of the offender's status following submission to a chemical test which discloses any amount in such person's blood or urine of a drug, substance or compound as defined in the Cannabis Control Act or the Controlled Substances Act.

Effective January 1, 1991, the law will allow for suspension or revocation for refusal to submit to a test or tests or a test result of 0.10 or more in the case of a crash resulting in serious injury or death. Establishes warning by law enforcement of possible suspension of a person's privileges to operate a motor vehicle if the person refuses to submit to the test or submits to the test with the result of 0.10 or more when the driver is involved in a personal injury or fatal motor vehicle crash. Defines "personal injury" as any injury that requires immediate professional attention in either a doctor's office or a medical facility.

During the 1990 session of the Illinois General Assembly, four DUI-related bills were passed by both Houses and signed into law by the Governor:

- *Signed August 30, 1990, with an immediate effective date, a law was enacted which amended the Crime Victims Compensation Act by establishing the period in which to file an application for compensation.*
- *Effective January 1, 1991, law provided that a portable chemical test administered to a driver involved in a personal injury or fatal accident does not relieve the driver of other implied consent laws of the Vehicle Code.*
- *The penalty for reckless homicide while driving under the influence of alcohol or drugs was increased to a Class 2 felony. This was effective January 1, 1991.*
- *Also effective January 1, 1991, individuals convicted of DUI who are under age 21 or adjudicated delinquent may be ordered by the court to participate in the Youthful Intoxicated Driver's Visitation Program. The bill also establishes guidelines for the program.*

Effective July 1, 1991, no driver's license or permit shall be issued to any applicant who has been convicted of or adjudicated of a violation of the Cannabis Control

Act, the Controlled Substances Act or the Liquor Control Act of 1934. Provides that the Secretary of State shall cancel the license or permit of any person if the person is convicted of violating one of the above Acts.

Effective April 1, 1992, any operator of a school bus involved in an accident is deemed to have given consent to submit to a test or tests of the driver's breath, blood or urine for the purpose of determining the presence of alcohol, or other drugs, in the person's system.

- *Effective January 1, 1992, a twelve month driver's license suspension will be given to a second or subsequent offender for a chemical test indicating any amount of a drug, controlled substance or compound.*
- *Aggravated Driving Under the Influence became a Class 4 felony effective January 1, 1992.*
- *Effective July 1, 1992, it became illegal to operate a watercraft under the influence of alcohol or drugs.*
- *If a driver has been previously convicted of reckless homicide and had committed a DUI violation for a second time, the offense was noted to be aggravated DUI effective September 25, 1992.*

Effective January 1, 1993:

- The aggravated driving under the influence offense was amended. It became a Class 4 felony if the person, while under the influence, was involved in a motor vehicle accident in which another person suffered great bodily harm, permanent disability or disfigurement when the DUI was a, rather than the, proximate cause of the injuries.
- The eligibility requirement for court supervision was strengthened. The new law provided that a person convicted of DUI within the last 10 years, rather than 5, shall not be eligible for supervision.
- To increase the safety of our children in motor vehicles, the law required persons convicted of driving under the influence provisions while transporting a person age 16 or under to pay a minimum \$500 fine and serve 10 days of community service if the second offense was committed while a child 16 years of age or younger was in the vehicle at the time of the offense.

- *Effective July 1, 1993, an arresting officer may travel into an adjoining state where a person was transported for medical care to investigate a motor vehicle crash that occurred in this State and the person is considered arrested for driving under the influence.*
- *Aggravated DUI penalties were increased effective July 1, 1993 to a mandatory jail sentence of at least 48 consecutive hours or a minimum of 100 hours of community service whichever the judge determines appropriate.*
- *A driver's license or permit may not be issued to a person under age 18 who has committed an offense that would otherwise result in a mandatory driver's license revocation by the Secretary of State effective August 5, 1993.*

Effective January 1, 1994:

- A person may not operate a watercraft when there is any amount of drug in the person's blood from the use of cannabis or a controlled substance.
- The Secretary of State may suspend a person's driving privileges who was under 21 at the time of an illegal transportation of alcohol offense. The driver's license of an individual who has been previously convicted of illegal transportation of alcohol may be revoked.
- The implied consent of an individual involved in a personal injury or fatal motor vehicle crash was deemed to have been given if the person was arrested as evidenced by a Uniform Traffic Ticket or a similar provision of a local ordinance.
- The law was changed regarding guidelines for the admissibility of written chemical tests of blood conducted in the regular course of providing emergency medical treatment.
- The sale of liquor to a person under age 21, intoxicated, under legal disability or in need of mental treatment was prohibited in addition to the use of false identification to obtain liquor. This law also raised the fines above specified amounts for certain offenses.
- *Emergency treatment was modified to allow that the results of blood alcohol tests received and considered by the physician on duty need not be in writing effective July 1, 1994.*

Zero tolerance or “not a drop” legislation was signed into law by the Governor with an effective date of January 1, 1995. This law will make it illegal for anyone under age 21 to be found with even a trace of alcohol in their breath, blood or urine.

A crime bill was signed into law by the Governor with an effective date of January 1, 1995. Although the law encompassed a variety of criminal activities, specifically, it attached a greater penalty to DUI charges. If an individual drives while under the influence of alcohol, other drug, or combination of both while his/her license is suspended or revoked and the suspension or revocation was for a similar violation, the individual will receive a mandatory sentence of a minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service. A second or subsequent violation committed within 5 years of a previous violation results in a minimum term of imprisonment of not less than 48 consecutive hours or 10 days of community service.

Effective 1-1-96:

- Enhanced penalties for second and subsequent violation of driving with a revoked or suspended license or permit is guilty of a Class 4 felony if the original revocation or suspension was for a violation of another state’s laws substantially similar to DUI or leaving the scene of an accident; provides enhanced penalties for second and subsequent violations for DUI committed within a 5 year period of a previous violation of the law of another state; provides that the revocation provisions for a conviction of a person under 21 for DUI are applicable to similar out of state convictions.

Effective 6-18-96:

- Provides that the test results of blood or urine tests performed for the purpose of determining the content of alcohol or other drugs in a person’s blood or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from an automobile crash may be reported to the Department of State Police or local law enforcement agencies.

Effective 7-2-97:

- After eight years of introduction, Senate Bill 8 passed both houses and was signed on 7-2-97, effectively lowering the blood alcohol concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08.

Effective 1-1-99:

- The vehicle code was amended to provide that various provisions of the code which apply to driving under the influence of alcohol or drugs apply to driving under the influence of intoxicating compounds listed in the Use of Intoxicating Compounds Act. Also, in various provisions relating to the presence of 0.08 or more blood alcohol concentration, or an amount of a drug, substance, or compound in the person's blood or urine, includes the presence of any of these described compounds in a person's breath. The compounds present must be intoxicating compounds.
- The Secretary of State is now authorized to use ignition interlock device requirements when granting certain relief to individuals who have been arrested for a second or subsequent offense for DUI. Removed the pilot status of the program.
- Various DUI provisions were amended: permits impounding the arrested intoxicated individual's vehicle for up to 12 hours (from 6); increased the reinstatement fee for a second or subsequent DUI offender from \$60 to \$250; May not make application for license after fourth or subsequent DUI conviction; no RDP to be issued for 2 years after a SSS; vehicle impoundment increases to 24 hours for a 2nd violation and 48 hours for a 3rd violation.

Effective-6-13-00:

- Renames the State Crime Laboratory DUI Fund to the State Police DUI Fund. Provides the additional \$100 fine to be paid by persons found guilty of driving under the influence of alcohol or drugs must also be paid by persons pleading guilty to or placed on court supervision for that offense.

Effective- 6-30-00:

- Authorizes the Illinois State Police to conduct a pilot program to establish the effectiveness of pupillometer technology. The technology shall also be used to detect fatigue levels of commercial motor vehicle operators, and to detect drugs ingested by motor vehicle operators.

Effective -7-27-01:

- If 4th DUI is committed at a time of suspension or revocation for a previous DUI or crash involving a death or personal injury, violation becomes a Class 1 Felony and does not allow for probation.

Effective-8-03-01:

- Requires the SOS to require the use of ignition interlock on all vehicles owned by an individual convicted of a second or subsequent DUI violation. Prohibits the SOS from issuing a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges for DUI. Requires a minimum term of either 5 days imprisonment or 30 days of community service for a second DUI committed within 5 years of a previous violation; requires a minimum term of either 10 days imprisonment or 60 days community service for a third or subsequent DUI violation committed within 5 years of a previous violation. Requires assessment of degree of alcohol abuse and imposition of treatment as appropriate.

Effective-8-10-01:

- Increases penalties for driving with suspended or revoked license, leaving the scene of an accident resulting in injury or death and reckless homicide. Requires a person convicted of a second violation of driving with a suspended or revoked license to serve 100 hours community service; for a third violation, 30 days of imprisonment or 300 hours of community service. Increases minimum consecutive days of imprisonment from 7 to 10 days for driving

while license is suspended or revoked due to a DUI, leaving the scene of an accident resulting in injury or death, reckless homicide, or failing to submit to chemical testing. For second violation, 30 days imprisonment, fourth or subsequent violation is Class 4 felony and a person must serve 180 days of imprisonment.

Effective-8-17-01:

- Increases penalties when blood alcohol content or breath is 0.16 or higher or 0.08 or higher when a child under the age of 16 is in the vehicle. Provides that any person who has had his driving privileges suspended or revoked 2 or more times for 2 or more convictions of DUI, if issued a restricted driving permit, is required to have his or her vehicle equipped with interlock. Provides that a restricted driving permit may not be issued until one year after the date the current revocation went into effect. Provides that a person sentenced to probation as a result of being convicted of a fourth or subsequent violation of the DUI provision regarding an alcohol concentration of twice the legal limit, may receive a jail term longer than 6 months.
- Deletes language limiting a sentence of a term of imprisonment for a felony DUI conviction to 1 to 3 years, making certain defendants convicted of a felony DUI eligible for extended term sentences. Certain aggravated DUI violations require a sentence of not less than 1 year and not more than 12 years imprisonment.

Effective-1-1-02:

- Amends the Illinois Vehicle Code by making DUI in a school zone aggravated DUI, which is a Class 4 felony, where an accident results in bodily harm, while driving at any speed.
- Increases fine where an additional \$100, collected from a DUI violator for distribution to the law enforcement agency making arrest, shall be increased to \$200 for a second or subsequent DUI conviction.

Effective 7-16-02:

- Amends the Illinois Vehicle Code and Criminal Code of 1961. Provides for the seizure and forfeiture of the vehicle of a person convicted of driving on a revoked or suspended license if the suspension or revocation was the result of a DUI conviction, a conviction of leaving the scene of a personal injury accident, a conviction of reckless homicide, or a statutory summary related to use of

alcohol, drugs, or intoxicating compounds. Provides that if the spouse of the owner makes a showing of hardship, and the vehicle is the family's only source of transportation, the vehicle may be forfeited to the spouse. Provides that forfeiture to spouse is allowed only once per vehicle.

Effective 1-1-03:

- Amends the Liquor Control Act of 1934. Provides that local liquor commissioners have the duty to report to the SOS any conviction for a violation of the Act's provision, or a similar provision of a local ordinance, prohibiting a person under 21 from purchasing, accepting, possessing, or consuming alcoholic liquor and prohibiting the transfer or alteration of identification cards, the use of the identification card of another or a false or forged identification card. Amends the Illinois Vehicle Code. Provides the SOS is authorized to suspend or revoke without a preliminary hearing the driver's license or learner's permit of any person convicted of violating any of the prohibitions of the Liquor Control Act of 1934 provision or a similar provision of a local ordinance.

Effective 7/18/03:

- Amends the Illinois Vehicle Code. Provides that a person commits aggravated DUI if he or she commits DUI after a previous conviction for that offense, if the previous offense was the proximate cause of a fatal accident. Provides that a person also commits aggravated DUI if the DUI offense is the proximate cause of a fatal snowmobile, all-terrain vehicle, or watercraft accident. Increases the maximum prison sentence for aggravated DUI from 13 to 14 years if the offense resulted in the death of one person and from 26 to 28 years if the offense resulted in the death of more persons. Amends the involuntary manslaughter and reckless homicide provision of the Criminal Code of 1961. Deletes all language pertaining to reckless homicide committed while under the influence of alcohol or any other drug or drugs. (Public Act 93-0213)

Effective 1-1-04:

- Amends the Code of Criminal Procedures Act of 1963. Provides that the court may impose as a condition of bail of a defendant charged with DUI that the defendant refrain from operating a motor vehicle not equipped with an ignition interlock device. Provides that the Court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is

not equipped with an ignition interlock device in the course and scope of the defendant's employment. (Public Act 93-0184)

- Amends the Illinois Vehicle Code. Provides that any person convicted of or pleading guilty to driving under the influence of alcohol, drugs, or intoxicating compounds, including any person receiving a disposition of court supervision for the offense, may be required by the court to attend a victim impact panel presented by one of several specified organizations. Provides that all costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court. Amends the Snowmobile Registration and Safety Act. Provides that agents of the Department of Natural Resources and other duly authorized police officers may seize and impound a snowmobile involved in an accident or in a violation of the DUI or reckless driving provisions of the Act. Specifies circumstances in which the snowmobile may be towed and circumstances in which a snowmobile may be released to someone other than the driver. Amends the DUI provision and related provisions of the Act to provide that the Department of Natural Resources (rather than the Department of Conservation) is responsible for enforcement of the DUI provision. Provides that the DUI provision also prohibits driving a snowmobile under the influence of intoxicating compounds. Provides that a person commits a Class 4 felony if he or she violates the DUI provision while his or her privileges to operate a snowmobile are revoked because of a similar previous violation. Provides for an additional fine of \$100 for any person who violates the provision and an additional \$500 fine and 5 days of community service for any person who violates the provision while transporting a child under 16. Amends the Act and the Unified Code of Corrections to provide that a person whose DUI violation results in an incident necessitating an emergency response is liable for the cost of the response. Provides for a one-year suspension of the snowmobile operating privileges of repeat misdemeanor offenders and a 5-year suspension of the privileges of felony offenders. Provides that a person arrested and charged with a DUI violation may not operate a snowmobile for 24 (rather than 6) hours after the person's arrest. Makes changes in provisions relating to testing and hearing procedures regarding persons suspected of violating the DUI provision. (Public Act 93-0156)

- Effective 10-1-04

Drug or Alcohol Impaired Minor Responsibility Act. Provides that a person who is injured by an impaired person under 18 years of age has a right of action for damages against any person (i) who, by selling, giving, or delivering alcoholic liquor or illegal drugs or (ii) who, by permitting consumption of

alcoholic liquor or illegal drugs causes or contributes to the impairment of a person under 18 years of age. Provides that an action for damages is barred unless it is commenced within 2 years after it arises. (Public Act 93-0587)

Drinking Age History

Prior to 1933, there was no law governing the legal age for alcohol consumption. Males, in 1933, had to be 21 years of age to consume alcoholic beverages and females had to be 18 years old. The law was changed in 1963 to establish the legal drinking age at 21 years. Once again, in 1973, the law changed allowing 19 year old individuals the right to purchase and consume beer and wine. Hard liquor could only be sold and consumed by individuals 21 years old and older. 1980 brought the current legal drinking age of 21 years for all consumption, purchase and possession of alcoholic beverages.

The Zero Tolerance Law, or “not a drop” law, became effective January 1, 1995. The law makes it illegal for an individual under age 21 to be found with even a trace of alcohol in their blood, urine or breath.